

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

John Peter Barnes, #347845,)
Plaintiff,) Civil Action No. 1:15-1614-RMG
vs.)
South Carolina Department of Corrections;)
Ridgeland Correctional Institution; and)
Department of Probation, Parole and)
Pardon,)
Defendants.)

)

ORDER

This matter comes before the Court on a Report and Recommendation (“R & R”) from the Magistrate Judge recommending the summary dismissal of this action without prejudice and without issuance and service of process. (Dkt. No. 13). The Magistrate Judge concluded that the federal claims asserted against Defendants South Carolina Department of Corrections and the Department of Probation, Parole and Pardon are barred by the Eleventh Amendment of the United States Constitution, and the claims against the remaining Defendant, Ridgeland Correctional Institution, are barred because that party is not a person under 42 U.S.C. § 1983. (*Id.* at 4-5). Plaintiff was advised that he could submit written objections to the R & R within 14 days of service of the order, and that the failure to submit written objections could result in limited review by the District Court and waiver of the right to appeal the District Court’s judgment. (*Id.* at 7). Plaintiff filed no written objections to the R & R.

The Court has reviewed the record before the Court, the R & R and the relevant legal

authorities. The Court finds that the Magistrate Judge ably summarized the factual and legal issues in this matter and correctly concluded that all claims should be summarily dismissed because they are barred against the named parties by well established legal authorities.

Therefore, the Court (1) **ADOPTS** the R & R as the order of the Court; and (2) **DISMISSES** this action without prejudice and without issuance and service of process.

AND IT IS SO ORDERED.



Richard Mark Gergel
United States District Judge

July 14, 2015
Charleston, South Carolina